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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:)	
)	Supreme Court No. R- 19-0031
)	
PETITION TO AMEND)	
RULE Rule 45(a)(2) and (b)(1))	Comment to Petition to Amend
)	Rule 45(a)(2) and (b)(1)
)	
_____)	

Pursuant to Rule 28(D), Rules of the Supreme Court, Joy Rich, Maricopa County Manager, respectfully submits this Comment for the Court's consideration.

I am writing in opposition to the proposed change to Rule 45 of the Arizona Rules of Civil Procedure. As written, the proposal would allow attorneys in civil cases to issue their own subpoenas, bypassing the current practice of having the Clerk of the Court issue the subpoena and collect the statutorily required \$30 subpoena fee.

This \$30 fee funds about 10 different projects/funds according to statutory percentages, including a payment to the Elected Officials Retirement Fund under ARS 12-284.03. Any rule change that impacts the recipients of these funds should provide an alternative funding source.

The annual subpoena fee amount collected by the Maricopa County Clerk of the Court in FY 2017 was \$770,715 and in FY 2018 the collections totaled \$841,599. The fee is statutorily divided and directly benefits the County as follows:

- 6.92% to the Judicial Collection Enhancement Fund for the Superior Court and Clerk of the Court
- 7.02% to the County Law Library Fund
- 28.81% to the County General Fund

There is also an additional payment into the Elected Officials Retirement Plan (27.91% of the overall collected fee), which off-sets the employer contribution obligations accordingly.

If there is an access issue, it is my understanding that the Arizona State Bar Association provides a simple on-line subpoena service available 24 hours a day for attorneys to issue subpoenas and pay the fee. <https://www.myazbar.org/subpoenas/index.cfm>

In closing, we request that the proposed rule be denied. Thank you for your consideration.

Respectfully submitted this 26th day of April, 2019.

By /S/

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